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10

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**
14

15 In re Subpoenas to Electronic Frontier
Foundation and Fred von Lohmann

) **Case No. 3:10-mc-80276-JSW**
) [Related to *Arista Records v. Lime Wire LLC*,
) No. 06-5936 (KMW) (S.D.N.Y.)
)
) **DECLARATION OF CORYNNE**
) **MCSHERRY IN SUPPORT OF OPENING**
) **SUPPLEMENTAL BRIEF ON EXPEDITED**
) **MOTION TO QUASH SUBPOENAS**
)
) [Pursuant to agreement of counsel and the
20) Court's November 19, 2010 Order (Dkt. #21)]
)
21) No hearing date assigned

Winston & Strawn LLP
101 California Street
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I, Corynne McSherry, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am the Intellectual Property Director for the Electronic Frontier Foundation (“EFF”).

2. EFF is a not-for-profit charitable organization with only 32 employees, of whom 14 are attorneys.

3. I asked current EFF employees to conduct a search of their EFF computers for email with the keyword “limewire.” That search generated approximately 4000 total hits.

4. I also asked current EFF employees if they were on the Pho listserv. One EFF employee, who has a separate folder which consists almost entirely of Pho listserv emails from April 2004 to January 2008, informed me that there are approximately 23,000 emails in the folder. The employee also provided a copy of an email from Ted Cohen to the Pho listserv, dated May 31, 2006. That email is attached as Exhibit A.

5. While EFF has not conducted a comprehensive review, I believe that few current employees at EFF have had communications with Lime Wire, and I believe EFF’s current employees have fewer than 100 documents (probably considerably less) that might constitute communications with Lime Wire.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: December 9, 2010

/s/ Corynne McSherry
Corynne McSherry

CONCURRENCE IN FILING

Corynne McSherry concurs in the filing of this pleading.

Dated: December 9, 2010

By: /s/ - Kathleen Lu
Kathleen Lu